

## AMENDMENTS TO THE CLAIMS

1. **(Currently amended)** An isolated purified nucleic acid comprising at least 19 consecutive nucleotides of sequence encoding a homologue of human interleukin 10 (IL-10), wherein said IL-10 homologue is expressed during the latent phase of infection by a virus of the herpesviridae group, and wherein said nucleic acid sequence is as set forth in SEQ ID NO:1.

2.-5. **(Canceled)**

6. **(Currently amended)** A vector comprising a nucleic acid according to Claim 1, wherein said nucleic acid comprises full-length SEQ ID NO: 1~~sequence encoding an isolated homologue of human interleukin 10 (IL-10) polypeptide, wherein said IL-10 homologue is expressed during the latent phase of infection by a virus of the herpesviridae group, and wherein said IL-10 homologue has the amino acid sequence as set forth in SEQ ID NO:10, or the amino acid sequence as set forth in SEQ ID NO:10 including one or more conservative amino acid substitutions.~~

7. **(Previously presented)** A recombinant host cell comprising the vector in accordance with claim 6.

8. **(Currently amended)** A recombinant host cell according to Claim 7, wherein the vector expresses a polypeptide comprising SEQ ID NO:10~~expressing the polypeptide of Claim 3.~~

9.-23. **(Canceled)**

24. **(Currently amended)** A kit comprising the isolated a purified nucleic acid as set forth in Claim 1 and reagents for detecting hybridization of said nucleic acid~~sequence encoding a homologue of human interleukin 10 (IL-10), wherein said IL-10 homologue is expressed during the latent phase of infection by a virus of the herpesviridae group, and wherein said nucleic acid sequence is as set forth in SEQ ID NO:1 or an isolated homologue of human interleukin 10 (IL-10) polypeptide, wherein said IL-10 homologue is expressed during the latent phase of infection by a virus of the herpesviridae group, and wherein said IL-10 homologue has the amino acid sequence as set forth in SEQ ID NO:10, or the amino acid sequence as set forth in SEQ ID NO:10 including one or more conservative amino acid substitutions, or the ligand that selectively binds to said isolated homologue of IL-10.~~

25.-27. **(Canceled)**

28. **(Currently amended)** A method for screening a subject for infection by a virus of the herpesviridae group, the method comprising:

- (a) obtaining a biological sample from said subject;
- (b) contacting said biological sample from said subject with the nucleic acid sequence of claim 1; and
- (c) detecting the presence or absence of hybridization ~~hybridisation~~ between a the nucleic acid ~~in sample of~~ said biological sample ~~subject~~ and the nucleic acid ~~sequence~~ of claim 1.

29. **(Canceled)**

30. **(Previously presented)** The method of claim 28, wherein the nucleic acid is capable of selectively hybridizing ~~hybridising~~ to a the nucleic acid encoding a the IL-10 homologue expressed during the latent phase of infection by a virus of the herpesviridae group.

31. **(Withdrawn - Currently amended)** The method of claim 28, wherein the nucleic acid ~~sequence~~ corresponds to any one of SEQ ID Nos: 2 to 9.

32. **(Withdrawn - Currently amended)** An isolated nucleic acid according to Claim 1, wherein the nucleic acid sequence corresponds to any one of SEQ ID Nos: 2 to 9.

33.-39. **(Canceled)**

40. **(Withdrawn - Currently amended)** A vaccine, wherein said vaccine comprises the nucleic acid of Claim 1, wherein said nucleic acid comprises at least a portion of SEQ ID NO: 1 encoding an antigenic fragment of SEQ ID NO: 10a ~~purified nucleic acid sequence encoding a homologue of human interleukin 10 (IL-10), wherein said IL-10 homologue is expressed during the latent phase of infection by a virus of the herpesviridae group, and wherein said nucleic acid sequence is as set forth in SEQ ID NO:1, or an isolated homologue of human interleukin 10 (IL-10) polypeptide, wherein said IL-10 homologue is expressed during the latent phase of infection by a virus of the herpesviridae group, and wherein said IL-10 homologue has the amino acid sequence as set forth in SEQ ID NO:10, or the amino acid sequence as set forth in SEQ ID NO:10 including one or more conservative amino acid substitutions, or a ligand that selectively binds to said isolated homologue of IL-10, together with a pharmaceutically acceptable carrier, adjuvant and/or diluent.~~

41. **(Withdrawn)** A method for inducing an immune response in a vertebrate against disease associated with infection by a virus of the herpesviridae group, comprising administering to said vertebrate an immunologically effective amount of a vaccine of claim 40, wherein said method induces an immune response.

42. **(Withdrawn)** A method for the treatment and/or prophylaxis of disease associated with infection by a virus of the herpesviridae group in a vertebrate, wherein said method comprises administering a therapeutically effective amount of the vaccine of claim 40, wherein said method treats or prevents disease associated with infection by a virus of the herpesviridae group in a vertebrate.

43. **(Withdrawn- Currently amended)** The method of claim 41, wherein the vaccine ~~polypeptide or ligand~~ is simultaneously or sequentially administered with cytokines.

44. **(Withdrawn)** The method of claim 43, wherein the cytokines are selected from the group consisting of: G-CSF, GM-CSF and interleukins.

45.-51. **(Canceled)**

52. **(Previously presented)** A method of diagnosis of infection of a subject by a virus of the herpesviridae group, the method comprising:

- (a) obtaining a biological sample from said subject;
- (b) contacting said biological sample from said subject with the nucleic acid sequence of claim 1; and
- (c) detecting the presence or absence of hybridization ~~hybridisation~~ between a the nucleic acid in sample ~~the nucleic acid~~ of said biological sample and the nucleic acid sequence of claim 1, and
- (d) diagnosing infection of said subject.

53.-57. **(Canceled)**

58. **(New)** The isolated nucleic acid of Claim 1, wherein said nucleic acid consists of said at least 19 consecutive nucleotides of SEQ ID NO: 1.